

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

In Re: )  
 )  
Kimberly Patterson, *Debtor* ) Case No. 04-49556-399  
 )  
Citibank N.A., as Trustee, by Chase Manhattan )  
Mortgage Corporation (CA), loan servicing agent for ) **ORDER TO LIFT STAY**  
*Moving Creditor* )  
 ) Hearing Date: October 25,  
vs. ) 2004  
 ) Hearing Time: 1:00 pm  
Kimberly Patterson, *Debtor* )  
 ) Motion No 18  
and )  
John V. LaBarge, Jr., *Trustee* )

**ORDER GRANTING RELIEF FROM STAY  
AND DENYING MOTION TO DISMISS**

**THIS MATTER** comes on for consideration upon the Motion of Citibank N.A., as Trustee, its subsidiaries, affiliates, predecessors in interest, successors or assigns ("Creditor"), for its Motion for Relief from Stay, and based upon the pleadings filed and the evidence produced,

**IT IS THEREFORE BY THE COURT ORDERED** that Citibank N.A., as Trustee, its subsidiaries, affiliates, predecessors in interest, successors or assigns, is granted relief from the automatic stay, by default, imposed under 11 U.S.C. §362 to foreclose the lien of its Deed of Trust as to the real property legally described as

**Lot 19, Block 12, GLASGOW VILLAGE NO. 5 a subdivision in St.  
Louis County Missouri, according to the plat thereof recorded in Plat Book  
14 of the St. Louis County Records;**

**MORE CORRECTLY DESCRIBED AS:**

**Lot 19, Block 12, GLASGOW VILLAGE NO. 5 a subdivision in St. Louis  
County Missouri, according to the plat thereof recorded in Plat Book 54 Page  
14 of the St. Louis County Records, commonly known as 204 Tay Road, St.  
Louis, MO 63136,**

United States Bankruptcy Court  
Eastern District of Missouri  
In re: Citibank N.A., as Trustee v. Kimberly Patterson  
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by any lawful means including by exercise of the power of sale by the Trustee named in the Deed of Trust or by the duly appointed Successor Trustee, if one be appointed by Movant; and after the sale, to pursue any other remedies the purchaser may have pursuant to the terms of the promissory note and mortgage, including enforcing rights to possession of the premises under the terms of the promissory note and Deed of Trust and in accordance with applicable non-bankruptcy state law, and it is

**FURTHER ORDERED** that the attorney's fees sought in the Motion for Relief may be assessed against the account of the Debtor, and it is

**FURTHER ORDERED** that Movant's motion to dismiss Debtor's case is denied without prejudice, and

**IT IS FINALLY ORDERED** that the Chapter 13 Trustee is directed to discontinue payment on all claims secured by the real property that is the subject of this Motion for Relief. The Trustee is directed to resume payment on such claims upon notification pursuant to Local Bankruptcy Rule 3021-1(A), and

**IT IS FINALLY ORDERED** that this Order for Relief from the Automatic Stay shall be effective immediately and that there shall not be a stay of enforcement of this Order pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3) and all attorneys fees prayed for in the Motion for Relief are hereby granted.

Date: October 19, 2004

/s/ Barry S. Schermer /kjk  
The Honorable Barry S. Schermer  
United States Bankruptcy Judge  
04-49556-399 Mtn. 18

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**Copies Mailed to the Following Parties**

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**DEBTOR**

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**ATTORNEY FOR DEBTOR**

John LaBarge, Jr.  
P.O. Box 430908  
St. Louis, MO 63143  
**TRUSTEE**

Office of the United State Trustee  
111 S. 10<sup>th</sup> Street  
Suite 6353  
St. Louis, MO 63102  
**U.S. TRUSTEE**

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Daniel A. West  
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Kansas City, MO 64112  
**ATTORNEY FOR MOVANT**